

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

DR. SHIVA AYYADURAI,	)	
	)	
Plaintiff,	)	
	)	
v.	)	
	)	
WILLIAM FRANCIS GALVIN, MICHELLE	)	Civ. No. 20-cv-11889
K. TASSINARI, DEBRA O'MALLEY, AMY	)	
COHEN, NATIONAL ASSOCIATION OF	)	
STATE ELECTION DIRECTORS, allegedly	)	
in their individual capacities, and WILLIAM	)	
FRANCIS GALVIN, in his official capacity as	)	
Secretary of State for Massachusetts.	)	
	)	
Defendants.	)	
	)	
	)	

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**RESPONSE REGARDING PLAINTIFF'S  
PROPOSED JOINDER AND SECOND AMENDED COMPLAINT**

As directed by the Court in its April 26, 2021 Order (Dkt No. 84), the National Association of State Election Directors and Ms. Cohen (collectively, "NASED") submit this response regarding Plaintiff's proposed filing of his Second Amended Complaint ("SAC") (*see* Dkt No. 81).

NASED continues to believe that allowing the Plaintiff's proposed SAC is futile for the reasons stated in its March 8, 2021 Response to Plaintiff's Joinder Motion. (Dkt. No. 71.) As NASED anticipated, Plaintiff's now-filed SAC is, like his prior pleading, rife with conspiracy-laden speculation, overblown rhetoric, and personal attack, but short on well-pled factual allegations or coherent legal theories. Although NASED also believes that this case should be dismissed with prejudice in its entirety for the reasons stated in the parties' fully briefed motions to dismiss, it recognizes that the allegations in the proposed SAC do not cure the deficiencies in Plaintiff's claims and, by effectively conceding that any sanctions Twitter imposed on his account

were the product of its own independent judgment, only underscore the flaws in his convoluted theory of state action.

Rather than delay the proceedings further by opposing amendment, NASED takes no position on Plaintiff's proposed SAC. NASED seeks only the shortest and most efficient path to teeing up its grounds for dismissal, demonstrating the falsity of Plaintiff's claims, and obtaining a ruling. If the Court is inclined to permit amendment, NASED will move to dismiss the SAC.<sup>1</sup>

Dated: April 30, 2021

Respectfully submitted,

*For The National Association of State Election  
Directors and Amy Cohen*

/s/ Nolan J. Mitchell

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<sup>1</sup> By submitting this response, Ms. Cohen does not waive her challenge to personal jurisdiction as set forth in her individual Motion to Dismiss pursuant to Rule 12(b)(2), which is fully-briefed and ripe for adjudication regardless of whether the Court permits Plaintiff's proposed amendment. (*See* Dkt Nos. 44, 47, 49; *see also* 53.) Nothing in the proposed SAC changes the fact that Ms. Cohen is being sued personally for actions Plaintiff concedes she undertook solely in her capacity as NASED's Executive Director and for no personal benefit, or the frivolousness of the RICO claim on which Plaintiff purports to ground jurisdiction.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on this 30th day of April, 2021, a true and correct copy of this document was served on plaintiff and all registered counsel of record via the Court's ECF system.

/s/Nolan J. Mitchell  
Nolan J. Mitchell